

A legitimate, independent public corruption investigation must be commenced in order for confidence in the process to be restored. Criminal justice which favors only the rich or those in positions of power is no justice at all. The investigation should examine whether there was a scheme undertaken by the head of Internal Affairs at the Delray Beach Police Department to abuse her position in order to gain an advantage over her wife during an acrimonious separation and divorce. An investigation into potential criminal charges for perjury also appears warranted (ask me about this again - based on records uncovered with the Clerk's Office relating to an application for domestic partnership benefits).

The Public Corruption Unit at the State Attorney's Office was notified immediately about the need for an investigation into what was learned about Officers Guerriero and Baker. That effort was shrugged off without so much as a phone call in response, much less a serious review of the materials which substantiate the need for an inquiry. If Palm Beach County wants to rid itself of public corruption scandals, officials cannot turn a blind eye just because the allegations involve police officers. With the nationwide uptick of exposed law enforcement scandals - including news of unwarranted shootings of unarmed civilians, planting of evidence, coerced confessions, and wrongful convictions leading to some spending years in prison for crimes they did not commit - now is the time to stand firm when corruption questions arise within law enforcement ranks. Maybe it is time for an outside entity to take a look at Palm Beach County's practices, as there seems to be a measure of selective enforcement at play. All I asked was for the State Attorney's Office Public Corruption Unit to take a look, to start a process where meaningful review could be undertaken.

It is apparent Guerriero used her power, and her own department, to settle a personal vendetta. She enlisted the help of her good friend, and co-worker, Detective Stephanie Baker, to secretly investigate, secure a temporary restraining order, and prosecute, her wife. Baker spent more than three months working on this misdemeanor, expending thousands of taxpayer dollars in what amounts to nothing more than a power play at the behest of one of her friends in the Department.

Officer Guerriero's claims of being in fear are refuted by the thousands of messages she sent to her purported stalker, expensive gifts she accepted from her purported stalker, and outings, hospital visits, and dinners she all attended with her purported stalker **after** her colleague Baker prepared the 2017 report. Guerriero thought she could intimidate and harass Bethany via these one-sided police reports. By misconstruing the ongoing nature of their relationship, exaggerating the number, context, and source of communications, and directing her colleague Baker not to contact Bethany for her side of the story, Guerriero was able to file baseless restraining order pleadings and, worse, set in motion her wife's arrest and prosecution.

The misdemeanor allegations were thrown out as baseless prior to any court hearings. The lack of objectivity in this scenario, whereby a police department uses its own resources to investigate the wife of one of their own officers in the middle of divorce proceedings, at her

direction, is glaring on its face. Guerriero was able to control the narrative due to her status as a law enforcement officer. Guerriero thought the truth would never be revealed, which is the very reason why abuse of power is so insidious and difficult to root out. I think we have only skimmed the surface of the depths of this inside job to attack my client personally and professionally, a benefit no other citizen in Palm Beach County would be afforded. There are plenty of serious open investigations in the jurisdiction which could have benefitted from the City resources and officer hours that were wasted on this petty civil dispute. Now, the City is expending more money in fighting lawful public records requests, an effort which appears to further shield Officers Guerriero and Baker, and the Delray Beach Police Department, from public scrutiny. If there is nothing to hide, it begs the question of what else is out there - not just about Bethany's case, but all the other law enforcement investigations they oversee? Baker, now a homicide detective, spent three months investigating what amounts to a civil family court dispute. It is about public trust, judgment, and faith in our public servants.

Guerriero is now desperate to keep substantive information relating to her conduct and activities shielded from public view simply because she is a police officer. The timing of all of this is revelatory because the initial report was taken in 2017. It was only after Bethany requested an address where her daughter would be taken with Guerriero, a requirement of their marital settlement agreement, that Guerriero then requested that the old report be utilized to effect an arrest of her wife. Guerriero did not want it revealed that she would be vacationing with their daughter in the Keys with the prosecutor on the Braswell case, which was still pending and which was of great interest and concern to the Delray Beach Police Department because the officer that died was one of their own. Reports indicate there was some urgency employed to put the case together after all that time. A restraining order petition was rammed through the same day Bethany's family lawyer demanded the itinerary for the trip Guerriero was taking with their daughter. With the help of Baker's resurrection of the stale police report, Guerriero never revealed the address of the planned trip as required by the divorce order, opting to get an emergency stay-away order against her ex-wife instead of following the family court's orders.

Florida's Sunshine Law serves as a critical stopgap to backroom deals and favors. The public must demand more from law enforcement; when there is an effort to expose potential corruption, the light must be allowed in. My client is grateful this power play was halted, but the impact to her is longlasting; she is forever changed. Bethany was placed on desk duty, stripped of her position and her firearms, humiliated in front of her co-workers and neighbors, her job placed in jeopardy, and her reputation assaulted by a fellow law enforcement officer who held higher rank. She also was separated from her daughter for months because of the threat that Guerriero would machinate further false criminal allegations against her.

Not only has Bethany been emotionally damaged by the false allegations, but she understandably has been traumatized by Guerriero walking out on the life they had just created with their daughter, who was adopted only a month and a half before Bethany was told she needed to leave their home. Divorce brings out hurt, resentment, and emotional responses from people, a fact evident in every divorce case filed in Palm Beach County because the stakes

are so personal. But, consider the unusual divorce circumstances here: Bethany is ousted from the marital home just after she and Guerriero adopted a little girl. Guerriero portrayed to DCF, Bethany, and the adoption court, that this was a longterm, stable relationship, and then she kicks Bethany out of her house shortly after the adoption and files for divorce. Shattered does not begin to adequately describe Bethany's emotional reaction to all of this, but nothing in her response to this situation was illegal.

More is coming out about the true nature of this investigation. Sworn testimony taken in the course of the restraining order litigation is concerning. As one example, Detective Baker, after long pauses, denied she ever vacationed with Guerriero. The deposition of Florida Keys prosecutor Colleen Dunne refutes this, however. Dunne testified Baker and Guerriero vacationed, along with her, in the Keys. What was exposed was a much closer relationship than Baker revealed via her testimony, a relationship which included attending social outings and bachelorette parties together, and vacationing together with their families. Guerriero deemed Baker, "My girl Steph" in social media postings. The appearance of impropriety here is evident: Baker should not have been investigating Bethany, the wife of her colleague and friend.

Guerriero is now at odds with her own police department, claiming in a pleading to intervene in the Sunshine Records litigation that she never gave consent to the duplication of the data on her phone. Yet, Baker and Guerriero both testified under oath in depositions that the phone was consensually given to the Department to completely download during the course of their investigation. Notably, there are no written documents which substantiate this recent claim about consent, as is commonly found in other criminal cases via a standardized form.

The City is now claiming that the phone data retrieved during their investigation of my client was not downloaded "in the scope and course of official business." This response is far-fetched and implausible, given the clear legal precedent on the topic, the facts of the case, as well as common sense. Think about it: the City is claiming that if they copy, store, and place into evidence electronic data on a case, the owner of this information can simply later claim they want it back because the content doesn't suit them, and the City would return it. This represents the destruction of public records and case evidence. If Guerriero has an issue, it is with her own employer for acting on her self-serving request for her Department to thoroughly investigate her wife. This years-long investigation has implicated Guerriero herself and now they want to rewrite history. Once evidence is collected, you can't take it back, you can't destroy it, because the very act of downloading the information by a city employee in the course of an ongoing investigation represented the creation of the public records. It makes no matter that the data downloaded was from a police officer's personal phone. In fact, Guerriero, who was once the Public Information Officer for the Delray Beach Police Department, is well aware of the Public Records Laws in this state, as well as what would happen with the data dump once it was collected. When Guerriero permitted the phone dump, she was holding herself out to be an alleged victim of a crime and wanted to go after her ex-wife, so her phone was collected as evidence in this pursuit. She can't take those efforts back now. The City's position is in direct contravention of the Sunshine Law.

